

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

April 16, 2015

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, April 16, 2015 at KBRC offices, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Jeff Smithern, RRT, Chair
Dr. Robert W. Powell, Vice-Chair
Tamara G. McDaniel, RRT
Dr. James McCormick
Pamela G. Boykin, RRT
Jerrell D. Cloud, RRT

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Mr. Smithern called the meeting to order at 5:35 p.m., at 163 W. Short Street, Lexington, KY. The Board welcomed Pamela Boykin, RRT to the Board. Ms. Moore administered the oath of office to Pamela Boykin, RRT, before the meeting.

Minutes

Dr. Powell made a motion to approve the March 19, 2015 minutes with amendment; seconded by Tami McDaniel. Motion carried unanimously.

Continuing Education

Premier Home Care, Inc.

Dr. Powell has researched Trilogy home ventilator setups due the inquiry by Premier Home Care, Inc. Dr. Powell stated ultimately the responsibility for the orders and how to use any home ventilator is with the physician. It is the physician's responsibility to be knowledgeable about the use and settings for any device that is being prescribed. Dr. Powell will complete his draft letter to the KY Medical Licensure Board and will follow up with Michael Rodman, Executive Director at KBML, after their June 2015 meeting.

2015 Audits Re: Shannon Martens, Carolyn Walker & Shawn Lutz Browning

Ms. McDaniel made a motion to remove Shannon Martens from disciplinary action since she provided the original envelope to confirm mailing and timely completion of her ceu's; seconded by Dr. Powell. Motion carried unanimously.

Ms. McDaniel made a motion to send an Agreed Order to Carolyn Walker for 3 ceu's and a \$500 fine; seconded by Pamela Boykin. Motion carried unanimously.

Ms. McDaniel made a motion to send an Agreed Order to Shawn Lutz Browning that includes a \$100 fine since she failed to submit audit substantiation after the March 1, 2015 deadline; seconded by Jerrell Cloud. Motion carried unanimously.

Update on 2015 Renewals Continuing Education Audits

Ms. Moore shared a list of Agreed Orders for continuing education violations. Carla Ruble does not work in KY so she requested an Agreed Order of Surrender as opposed to the usual order.

Old Business

Committee Update re: Proposed 2015 Law Changes Re: KRS Chapter 314A00

Ms. McDaniel stated she has communicated with Tina Siddon, Government Liaison with the KY Society Respiratory Care on the Board's intention to raise fees by regulation and the need to change statutory laws in the 2016 General Assembly. Ms. Siddon stated the KSRC requested an informational letter from the Board to specify what fees we intend to increase and where those monies were needed in our budget. Ms. Siddon will present to the KSRC and she does not see a problem with support from the professional organization. Ms. McDaniel will draft a letter for the Board's approval and work with Ms. Moore regarding the fees and the financial needs of the Board and continue to advocate law changes.

Ms. Lalonde suggests we show the cost of running the Board in a two year period. Like everyone in the Executive Branch of government, we are asked to cut our budget, so that we are operating on the minimum amount. Since one of our renewal cycles is smaller than the other, one of the years we bring in an insufficient amount of money to cover our bills. In the larger renewal year, if we have any money left they sweep the funds in reserve and you are back to square one with no funds to operate. Many factors have changed over the last few years that have had a drastic impact on our budget. The retirement factor has gone from 25% to 44% increase in FY 2016; COT and other costs keep going up; and the 33% increase in our office rental and the three (3) office moves the Board was forced to make in the last 10 years are a few of the items draining our budget. The first fee increase this Board had was October 2006 amounting to \$12.50 per year on a two-year renewal licensure and those funds have since been taken by the state government fund reductions or sweeps.

Ms. McDaniel and Ms. Moore will work on a fee increase and Ms. McDaniel will collaborate with Ms. Siddon on statutory law changes.

Complaints

Dr. Powell made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Tami McDaniel and carried unanimously.

Dr. Powell moved to come out of closed session; seconded by Pamela Boykin. Motion carried unanimously.

Agreed Orders – Compliant Cases

Aubrey Bryant

Mr. Fingerson reported Aubrey Bryant is compliant. No action on the case.

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Amy Golden

Mr. Fingerson reported Amy Golden is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Holly Hall

Mr. Fingerson reported Holly Hall is compliant. No action on the case.

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Lisa Smith

Mr. Fingerson reported Lisa Smith is compliant and completed her KYPRN agreement on March 25, 2015.

Jill Stacy

Mr. Fingerson reported Jill Stacy is compliant. No action on the case.

Paul Derrick Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Rodney Reynolds

Dr. Powell made a motion to set Mr. Reynolds' case for a hearing on Thursday, August 20, 2015 at 1:00 p.m., EST at the KBRC offices; seconded by Ms. McDaniel. Motion carried unanimously.

Mary Marcia Fuller

Dr. Powell made a motion for legal counsel to draft an Agreed Order of Volunteer Surrender for one (1) year with documentation of one (1) year of documented sobriety through KYPRN before consideration of reinstatement; seconded by Dr. McCormick. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

FYI: Agreed Orders Signed – No Actions Needed

Jerome Scott

Dr. Powell made a motion to table the case until the Board's next meeting since we're waiting for Mr. Scott to return his Agreed Order; seconded by Dr. McCormick. Motion carried unanimously.

Dennis W. Pope, Jr.

FYI. Reinstatement issued March 19, 2015.

Daniel Sexton

FYI. Renewal issued without restrictions.

Jill Stacy

FYI. Agreed Order stands without modification.

Complaint Cases with Agreed Orders & KYPRN – Updates or Action Needed

A. Theresa Hargette-Flor, CRT, Requesting KY Mandatory Licensure Certificate

Theresa Hargette-Flor cancelled her request for a hearing; she intends to satisfy her obligations with the Louisiana Licensure Board before she requests licensure in KY. Case closed.

B. Brenda Hayes

Ms. McDaniel and Mr. Smithern recused. Dr. Powell made a motion for legal counsel to draft an Agreed Order including 3 years probation, 12 random drug screens per year, no AA or NA

meetings required, participation with KYPRN, sign the check-off list and give her employers a copy of her Agreed Order; seconded by Dr. McCormick. Motion carried unanimously.

C. Nancy LaPointe

Dr. Powell made a motion to assign Tom Floro as investigator and if Mr. Floro can't investigate timely then authorize Janet Vogt to investigate the complaint; seconded by Dr. McCormick. Motion carried unanimously.

D. Lincare

Dr. Powell made a motion to table until we hear from Ms. Necamp since the Board requested additional information; seconded by Tami McDaniel. Motion carried unanimously.

E. James K. Thompson

Dr. Powell made a motion to assign Janet Vogt as investigator if she does not have a conflict; seconded by Dr. McCormick. Motion carried unanimously.

Correspondence – FYI

Ms. McDaniel discussed an inquiry about a pilot program for RT integration in an oncology unit to help with nursing duties. The program requires RTs to perform procedures that may be outside our scope of practice. They will expect the RRT to start IV's, hang, IV fluids, lab draws from picc lines, medports, monitoring blood, administration. Ms. Donahoe stated concerns about performing these duties with limited training and putting her RT licensure at risk and desired clarification of the respiratory scope of practice.

Ms. McDaniel questioned the IV's, IV starts, blood transfusions, medport/PICC lines. It is not within the RT's scope of practice to start IV's in non-cardio procedures or transfuse blood. Dr. McCormick stated the blood issue alone is a huge issue. Ms. McDaniel will obtain further information. If the pilot project begins with RTs required to perform procedures outside their legal authority, the Board will hold a special meeting for April 21, 2015 to discuss the matter further.

Application Review

A motion was made by Tami McDaniel to accept all 25 applications since the last meeting; seconded by Jerrell Cloud. Motion carried unanimously.

The following **Student applications (6)** were approved:

Altez Chambers, Robert Lyons, Nathan Noomen, Diana Rodriguez-Batista, Sarah Scarth and Daniel Vandervort.

The following **Temporary applications (0)** were approved:

No temporary applications issued.

The following **NBRC applications (16)** were approved:

Stephanie Allen, Anna Baumer, Eric Platt, Tilly Dishman, Corey Dunn, Kristie Harris, Amber Holbrook, Sarah Huff, Chelsea Jaunzemis-Payne, Zachary Jenkins, Cynthia Linne, Rheann Lumban, Jodi Mitchell, Grace Robertson, Courtney Sawyers, and Cathy Stinefield.

The following **Reciprocity applications (3)** were approved:

Megan Brammer, Jeanette Catron and Eric Platt.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Tami McDaniel and seconded by Jerrell Cloud, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Jerrell Cloud made a motion to adjourn the meeting at 8:45 p.m.; seconded by Tami McDaniel. Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care